NOV 0 3 2003 &

PATENT

Customer No. 22,852

Attorney Docket No.: 06267.0053

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:		RECEIVED
Ilkka LARMA et al.	Examiner: R. Joynes	NOV 0 6 2003
Application No.: 09/673,794	Art Unit: 1615	TECH CENTER 1600/2900
§ 371 Filing Date: December 20, 2000)		

For: CONTROLLED RELEASE PERORAL COMPOSITIONS OF LEVOSIMENDAN

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Response Under 37 C.F.R. § 1.116

This communication responds to the non-Final Office Action dated June 4, 2003. The period for response has been extended by two months to November 4, 2003, by the enclosed Petition for Extension of Time and corresponding fee. Please reconsider this application in view of the following remarks.

Remarks

I. Obviousness-type double patenting rejection

Claims 1-17 are pending in this application. Claims 1-4, 11 and 15-16 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-9 of U.S. Patent No. 6,531,458. To expedite prosecution, applicants enclose a Terminal Disclaimer that should avoid the rejection. The filing of the Terminal Disclaimer does not constitute an admission of the propriety of the rejection. See MPEP § 804.02.

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